

Fair tonight
and Saturday.

NUMBER 4406.

WASHINGTON, FRIDAY EVENING, JULY 6, 1906.

PRICE ONE CENT.

STUART IS OUT; DECLINES TO BE SCHOOLS' HEAD

Letter to Board of Education a Big Surprise to New Members.

SECRETARY CONNER SUCCEEDS HIMSELF

President Baird Praises Superintendent's Past Services and Voices Regrets.

A great surprise was sprung at the second meeting of the Board of Education held this morning in the Franklin School building, when Superintendent of Public Schools Alexander T. Stuart, in a letter directed to the board, practically refused a renomination to that position.

Captain Oyster, when the question as to who should be elected to succeed the secretary to the board, W. W. Conner, arose and made a motion that Mr. Conner should be retained in that capacity. This motion was seconded by Mr. Cox and carried by a vote of five.

Thought Stuart Would Accept.

The letter from Mr. Stuart caused a ripple of excitement to pass through the assembly for it was generally thought that Mr. Stuart would accept a renomination.

The members of the board were undoubtedly in favor of his retention and it is not unlikely that were he to have signified his desire to serve in the capacity of superintendent he would have received unanimous election.

Praised by President Baird.

When the letter had been read by Secretary W. W. Conner, President Baird turned to the members of the board and in a few remarks voiced his regrets at the action taken by Mr. Stuart.

He said that Mr. Stuart had been a faithful officer since his connection with the public schools of the District and that he was indeed sorry to hear of his disqualification to serve further.

Committee Assignments.

The following committee assignments were made:

Normal and high schools—Prof. Evermann, Dr. Atwood, Mrs. Hill, and Mrs. Terrell.

Text books—Prof. Evermann, Mrs. Hill, and Mrs. Terrell.

Military affairs—Captain Oyster, Mr. Cox, and Dr. Atwood.

Rules and by-laws—Mr. Cox, Mr. Oyster, and Mr. Cook.

Lectures—H. A. Baird, Prof. Evermann, and Mrs. Terrell.

Teachers and janitors—Mr. Baird, Prof. Evermann, and Mr. Cook.

Industrial education—Mr. Cox, Mr. Oyster, and Mrs. Terrell.

Ways and means—Mr. Baird, Mr. Cox, and Mr. Cook.

Buildings and sanitation—Rear Admiral Baird, Dr. Atwood, and Mr. Cook.

Mr. Stuart's Letter.

Mr. Stuart's letter as submitted to the board was as follows:

To the Board of Education:

I have just completed thirty-five years of service in the public schools of Washington, having been a teacher for six years, a supervisory principal for twenty-three years, and the superintendent of schools for the past six years.

During the whole of the period of my services as a supervising officer and as superintendent, I have had the cordial co-operation of the great body of teachers, and the official support of my superiors, and have enjoyed the personal friendship of nearly all the members of the respective Board of Trustees, under whom I have served.

I desire to relinquish the important duties of Superintendent of Schools into the hands of some one to be chosen in your wisdom, and ask to be assigned, on the recommendation of my superiors, to a supervisory position of less responsibility, preferably that of Director of the Department of Intermediate Instruction if this can be done without prejudice to anyone else.

Nearly all my experience has been in the supervision of the instruction in the graded schools, and I am confident that I can bring to this position a training and spirit such as to

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THE WEATHER REPORT.

High pressure and cool weather still continue east of the Rocky mountains, and there was no rain of consequence, except in the south Atlantic States, the Ohio valley, and the extreme Southwest. West of the Rocky mountains the weather continues warm and generally fair. Fair, cool weather will continue tonight and Saturday in the East and South, except along the south Atlantic coast, where there will be showers.

TEMPERATURE.

9 a. m. 71
12 noon 74
1 p. m. 74

DOWNTOWN.

(Registered Altitude—Standard Thermometer)
9 a. m. 73
12 noon 76
1 p. m. 77

SUN TABLE.

Sun sets today 7:29
Sun rises tomorrow 4:40

TIDE TABLE.

High tide today 8:24 p. m.
Low tide today 2:40 p. m.
High tide tomorrow 8:35 p. m.
Low tide tomorrow 2:45 a. m.

HUMMEL CAN SAY IF EVELYN NESBIT MADE AFFIDAVIT

Lawyer Knows If Girl Intended Suit Against Harry Thaw.

SEARCHING FOR PAPERS

District Attorney Expects to Get Possession of Copy of Valuable Document.

NEW YORK, July 6.—Francis P. Garvan, who is conducting the State's case against Harry Thaw, indicted for the murder of Stanford White, is making every effort to obtain a duplicate of the affidavit, or statement, made by Evelyn Nesbit previous to her marriage with Thaw. Two reasons are given for the making of the Nesbit affidavit. One is that the artist's model contemplated an action against Thaw, and the other that the affidavit was made by the girl for the purpose of exonerating White from certain charges made connecting his name with hers. The original affidavit has been destroyed and Mr. Garvan hopes to find a duplicate among the correspondence of White. Counsel for Thaw has made a denial that Miss Nesbit ever signed such an affidavit.

Charles Hartnett, private secretary of Stanford White, will be examined today by Mr. Garvan. Hartnett knows in great detail the personal affairs of his late employer. He attended to Mr. White's private correspondence and paid his bills. Every effort was made to get Abraham Hummel, the lawyer, to say something about the Nesbit affidavit yesterday afternoon after his conference with Mr. Garvan. There is much reason to believe that Hummel drew up the affidavit. Mr. Hummel arrived in the city yesterday and went at once to Mr. Garvan's office. Immediately after the conference Mr. Hummel left for Saratoga.

Detectives Alert on Both Sides.

P. L. Berghoff, who was White's bodyguard, says today that four detective agencies are in the employ of some one representing Thaw's interest, and that everyone connected with White's side of the case, including officials of the district attorney's office, is under constant surveillance. De Lancey Nicoll, former counsel for White, will turn over to Mr. Garvan today some private papers of White which may add a little light to the case. Mr. Garvan has issued a subpoena for the night chauffeur of Mr. White on the report that he can give testimony that Evelyn Nesbit was on good terms with White since her marriage to Thaw, and that White met her on occasions.

It is said that Mrs. William Thaw, the mother of the defendant, has indicated to her family through the medium of the cable that she will return here immediately to be with him during the trial. The knowledge that Miss Nesbit made an affidavit concerning her relations with White has been a matter of great importance to the defense. Should it be developed that the district attorney's office has full information concerning this important document it may keep the defense from calling Mrs. Thaw to the stand in defense of her husband. On cross-examination the prosecutor could bring out all the missing details, if any existed, in the affidavit.

Thaw Chafes in Cell.

Harry Thaw is fretting greatly over his incarceration. Long days and longer evenings and nights without company in his cell in the Tombs are in direct contrast to his gay and free and easy life where the lights are the brightest. His guards say that while his physical condition has improved, in that he has gained weight and his complexion has become clearer, his nervousness and irritability at times gives indication that the confinement is telling. His guards say that from what he has said he worries little about what the outcome of his case may be, but frets over the restraint and confinement of prison life.

His wife called on him again today and spent some time with him. She was the only bright moment in his daily routine. He awaits them eagerly. Thaw reads the papers carefully, but has little to say to his keepers.

Nesbit Girl's Mother Denies She Introduced Daughter to White

PITTSBURG, Pa., July 6.—The following statement was given out today by Mrs. Charles J. Holman, mother of Mrs. Evelyn Nesbit Thaw: "I never introduced my daughter to Stanford White. I never took her to theater managers. I accompanied her, as I would not permit her going alone, I have been maliciously misrepresented. My story will be told at the proper time. Am not in strict seclusion. Have received all friends, but have denied reports."

PRIEST BARS LOW NECK FROM COMMUNION ALTAR

WILKESBARRE, Pa., July 6.—The Rev. M. E. Lynott, pastor of St. Ignace's Catholic Church, at Kingston, has notified the women of the congregation that he will not permit them to take communion in short-sleeved, low-neck or openwork waists which are in the least degree immodest. "We do not blame the women, he says, for trying to keep cool in hot weather, but thinks that it is unnecessary to wear waists which expose so much of their necks and arms as those which some have been wearing. While he hopes they will not wear such waists at all, he has expressly forbidden them to come to the communion rail with them on."

MEN WHO ARE LEADERS IN THE EARNEST MOVEMENT TO WIN INCREASED COMMERCE FOR WASHINGTON



R. P. ANDREWS.

C. J. BELL.

M. E. AILES.

JOHN JOY EDSON.

SHIPPERS' PLANS TAKE ON THE NAME OF PROMPT ACTION

Alleged Discrimination in Railroad Freight Rates to Be Investigated.

More on the List

These additions to the membership of the new association are announced:

The Potomac Terra Cotta Co.
The Maurice Joyce Engraving Company.
J. B. Kendall.
Golden & Co.
George J. Mueller.
J. E. Dyer & Co.
Thomas R. Riley.
Dullin & Martin Company.
G. W. Offutt.
The Cook & Stoddard Company.
W. M. Galt & Co.
Lamb & Tilden.

We have fought, we have pleaded with the railroads without avail. It is high time some action should be taken.—George J. Mueller, Confectioner.

The Shippers' Association of Washington has been given its first case to handle. A complaint of discrimination in freight rates to Leesburg, Va., in favor of Baltimore and against Washington, received from a customer in Leesburg by the Potomac Terra Cotta Company, has been turned over to the association, with a request that some investigation of the matter be made.

The correspondence on the subject was mailed to Charles J. Bell, chairman of the organization committee, with the Potomac Terra Cotta Company's application for membership in the association. The letter from G. W. At Lee, manager of the company, is as follows:

"We enclose herewith a letter recently received from Mr. E. E. Thompson, wherein he states that the rates of freight from Washington to Leesburg are identical with those from Baltimore to Leesburg. This looks to us like a discrimination against Washington and we would suggest that you look into the matter at a convenient season."

Strange Freight Rates.

In the letter from Mr. Thompson, to which Mr. At Lee refers, occurs the following statement: "Terra cotta arrived all right, the freight rate being 16 cents a hundred. It seems strange about railroad rates, for there is a party in our town who buys a great deal of terra cotta pipe in Baltimore and he only pays 16 cents a hundred freight, for just double the distance from Washington."

"The same thing applies to wrought iron pipe. I get it cheaper from Baltimore than I can from Washington."

Leesburg is on the line of the Washington and Ohio division of the Southern railway. As soon as the association is organized the complaint of Mr. At Lee will be taken up with the Southern and an effort made to secure an adjustment, or at any rate an explanation, of an apparently anomalous condition.

Mr. At Lee was not the only correspondent to contribute this morning to the discussion of the railway situation in Washington. From George F. Mueller, manufacturer of specialties in confectionery, came the following communication, accompanying his acceptance of the invitation to membership: "We are only too glad to join the ranks, if there is a prospect of accomplishing even small results. We have fought—we have pleaded—with the railroads, but without avail. It is high time some action should be taken."

"We think the railroads are much like children—in disposition, though not in strength. If you persuade, you may accomplish something, but suggest coercion, and they will show you they are."

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A. K. PARRISS.



MONROE LUCHS.



B. W. GUY.

BETHESDA WHITES WILL ORGANIZE AGAINST BELMONT

Agitation Over Colored Settlement Does Not Deter the Buyers.

The seething discontent of the residents in the Bethesda district over the proposal to transform the subdivision known as Belmont into a settlement for colored persons does not abate with the passage of the days. On the contrary, it seems to increase, and the matter is the principal subject of conversation among the suburbanites in all their gatherings.

Richard M. Ough, of Friendship Heights, remains the principal figure around which the agitation centers. Mr. Ough says he will call a meeting of his neighbors within the next few days to consider the situation and devise ways and means to meet it. The first meeting will be private, but it will be followed by a public meeting, which all residents of Bethesda and interested citizens will be invited to attend.

This is going to be in the nature of a mass meeting, Mr. Ough says, and it is claimed, confidently, that at this gathering there will be something doing. Meantime the sale of lots at Belmont continues. It is said the agitation of the colored people has not deterred the buyers, and the number of lots sold to date is said to be in excess of the number of lots sold to date.

William J. Sheetz, who purchased the land from the firm of Barnard & Johnson, has written a letter to "The Times" explaining his connection with the transaction. In this letter he says: "I notice an article on the front page of the Times which reflects somewhat on my connection with the Belmont land deal of some days ago. This ground was purchased by me in the afternoon conveyed to A. L. Satterwhite & Co."

There are several statements in the article which are incorrect. I never claimed any relationship with Senator Penrose. He is a very estimable gentleman and commands my respect, but I am sorry to say there is no relationship. Again I want to say that I was not employed to consummate this deal by any colored man, nor did I seek or desire to do the residents of the vicinity any injury.

"I used no misrepresentations or false pretenses to obtain the title and regret that the affair has turned out as it has. I would be very glad if you kindly publish this letter and thus set me right in a measure with the public."

At the offices of the firm of A. L. Satterwhite & Co., who are conducting the sale of the lots at Belmont, and who represent the present holders of the property, a reporter of "The Times" was informed that Sheetz had been employed to make the purchase from Barnard and Johnson. This statement was made by Satterwhite himself. It was explained further that this course had been followed because, otherwise, the property might not have been purchased for its destined purpose.

Lorenzo D. Fowler, a stockholder in the street which lives in the Heights, takes a much calmer view of the situation than many of his neighbors. Mr. Fowler believes the whole thing will fall through. "I don't see any reason for getting excited about the matter," said Mr. Fowler this morning. "The whole property is covered by a blanket mortgage and the buyers now are being given, not deeds, but contracts for the future delivery of the lots they purchase. A relatively small proportion of the purchase price has been paid."

"I don't believe myself that the intelligent class of colored people who would be attracted to a suburb of this character will be much impressed with the opportunities they are now offered. The perfection of the titles they are tendered depends upon the ability of the principals to carry out the contract. I am rather of the opinion that the promoters have bitten off more than they can chew."

Lumber Trust Broken.

35 Dressed Boards now \$2.46 per 100 ft. Libbey & Co., 6th & New York Ave.—Adv.



B. F. SAUL.



F. P. MAY.

NAVAL RESERVES LOSE THEIR LIVES IN LAKE MICHIGAN

Five Men Drowned by Capsizing of Dingy. Two Rescued.

CHICAGO, July 6.—Five recruits of the Illinois Naval Reserves were drowned last night through the capsizing of a boat which they were rowing at the foot of Van Buren street, in the basin. Two other members of the reserves were rescued by Captain Carlin's life-saving crew. With Thomas Coffey, coxswain, in command, a four-oared dingy had gone out into the lake for rowing practice. Coffey had six recruits with him. At 11:15 o'clock the men had not returned to the naval reserve headquarters, and Spencer Clark, yeoman of the second class, accompanied by Philip Bates, boathouse keeper, went to investigate.

Dingy Capsized.

On their arrival at the Chicago Yacht Club building they learned that the dingy had capsized with its occupants.

The drowned men were: Joseph Pimis, 20 years old; Robert E. Schrom, 18; Edward M. O'Carroll, 18; Ralph Heege, 19, and Anthony Capodie.

Those rescued were: Thomas Coffey, coxswain, 23 years old, and F. W. Randall, 20.

Members of the Chicago Yacht Club on the veranda of the clubhouse shortly after 11 o'clock heard cries for help. The life-saving station was notified at once, and the crew went to the rescue. The life-savers could see the two men clinging to a rowboat.

Two Rescued.

Captain Carlin ordered his life-savers to take the two who had been rescued to the station. The rescued men said the boat had been capsized by a squall which caught the sail.

Only one of the bodies, that of Pimis, of Baltimore, Md., was recovered.

\$6 to the Seashore and Return, Via Pennsylvania Railroad every Friday and Saturday. Atlantic City, Cape May, Wildwood or Ocean City. Tickets good on all trains and to return until the following Tuesday. Atlantic City Special leaves 1:10 p. m. weekdays.—Adv.

GOVERNMENT WINS CHICAGO AND ALTON REBATE HEARINGS

Judge Landis Holds That Elkins Law Was Violated.

CHICAGO, July 6.—The Government has won a great victory in the Federal court before Judge Landis in the Chicago and Alton rebate case.

The attorneys for the railroad this morning moved that the defendants be declared not guilty of granting rebates to Schwarzhild & Sulzberger, packers; that the payment of a trackage fee of \$1 per car for cars taken from the Schwarzhild & Sulzberger tracks was not a rebate in violation of the Elkins law.

The court held that the payment of this fee was in every particular a violation of the law and upheld every contention of the Government's attorneys.

Eight counts in the indictment found against the Chicago and Alton and its agents, John N. Fetheron and Fred A. Wann, were upheld in this ruling. The court is now passing upon two counts of the indictment involving the repayment of passenger fares.

Law Is Ex Post Facto In Sugar Trust Cases

NEW YORK, July 6.—The Sugar trust cases were thrown out of court today. Judge Holt in the United States district court handed down a decision sustaining the demurrer entered by counsel for Nathan Guilford and E. L. Pomeroy, who were indicted by the Federal grand jury jointly with the New York Central railroad and the American Sugar Refining Company, together with officers of the two last named companies, for violation of the Elkins rebate law. Judge Holt also dismissed the charge of conspiracy found against Guilford and Pomeroy and the New York Central railroad under Section 540, of the Revised Statutes. In his decision Judge Holt says that the Elkins act passed in June of this year is not retroactive and that even if offenses were committed by the defendants, which are made punishable under this act, if they were committed prior to the enactment of the law, the defendants cannot be held liable under that act. He also holds that section 540 does not provide for imprisonment for offenders of that section, and that the indictment found by the grand jury is therefore defective.

To Baltimore and Return, \$1.25, Via Pennsylvania Railroad, every Saturday and Sunday. All regular trains except the "Congressional Limited." Tickets good to return until Sunday night—Adv.

\$6 to Atlantic City or Cape May and Return. Every Friday and Saturday via Pennsylvania Railroad. Tickets good to return until the following Tuesday. Same rate to Wildwood, or Ocean City. Through train to Atlantic City leaves 1:10 p. m. weekdays.—Adv.

LAST EDITION

FIGHT IS BEGUN ON THE ALLEGED ICEMEN'S TRUST

Grand Jury Investigating Business Methods of the American Company.

INDICTMENT OF TWO CONCERNS LOOKED FOR

Iceman Downs Resigns as Foreman of Jury on Request of the District Attorney.

The legal battle to show that the American Ice Company is a "trust" and a combination in restraint of the local ice trade is on in earnest.

An indictment against the company, and possibly against another concern dealing in ice in this city, is expected from the grand jury within the next few days.

Testimony will be taken by the grand jury next Monday in the matter, the greater part of the evidence coming from the dealers and smaller ice companies in the District of Columbia.

Presumably the evidence will tend to show that the American Ice Company and another concern made some sort of an agreement to raise the wholesale price of ice from 20 or 22 cents a hundred to 25 cents a hundred, and to keep the fancy trade price at the original figure of 40 cents a hundred, the contention being that such a step was a measure to cripple the smaller ice dealers and peddlers and to restrain their business.

Mr. Downs Quits Grand Jury.

Edwin H. Downs, connected with the American Ice Company, resigned his position yesterday as foreman of the grand jury, and the report was published that he did so voluntarily because he thought the jury might turn its attention to the ice situation in Washington. As a matter of fact, the Attorney General, who has had the matter under advisement for some weeks, yesterday made up his mind that there was ground for proceeding against the American Ice Company.

Accordingly, he directed District Attorney Baker to take such action with a view to securing indictments by the grand jury. Following these directions, the District Attorney's office, it is understood, gave Mr. Downs to understand that it would be inappropriate for him to act as foreman on a jury whose business it is to run down the charges against the company for which he is working. His resignation followed as a matter of course.

Both Mr. Downs and other officials of the company, when seen by a reporter for "The Times" today, refused absolutely to discuss the matter, contenting themselves with the statement that they have nothing to fear, that they have done nothing to cripple or restrain trade, and that they can see no possible reason for any proceedings against the company.

Questioned by District Attorney.

From other sources it was learned, however, that immediately following his resignation as foreman of the grand jury, Mr. Downs was put through a series of questions by the District Attorney's office regarding the American Ice company's dealings. It is not known whether he answered the questions put to him or whether he availed himself of the legal privilege of remaining silent concerning the matter at the present time.

According to reliable information, the proceeding of the grand jury, or the District Attorney's office, in this case will be as follows:

To show that on a specified occasion representatives, or one representative, of the American Ice Company, and a representative, or representatives, of another local ice company met and reached a tacit agreement to put the wholesale price of ice at 25 cents a hundred instead of at 20 or 22 cents a hundred. To show that at the same time it was verbally understood between those present that the family price should remain at the rate of a hundred, as it had been in the past.

To prove, by the testimony of smaller dealers, that this step could have only the effect of crippling the smaller dealers and subjecting them to severe losses because they had, under the agreement, to pay from 3 to 5 cents more a hundred pounds for their product and yet were obliged to sell it as cheaply as they had ever done.

To further prove this increase in the wholesale price by testimony from such wholesale purchasers as druggists and ice cream manufacturers. To demonstrate that this did injure the

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